

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
V.)	
)	CRIMINAL NO. 13-cr-10164-WGY
MICHAEL BOURQUE, ET AL)	
Defendants)	
)	

Joint, Assented-to Motion For Status Conference and Motion to Continue Trial

The defendants, with the agreement of the government, respectfully request that a status conference be set for the afternoon of February 5 or 6, 2014, for the purpose of addressing issues that have arisen during the course of the defendants' and government's discussions and negotiations concerning potential pleas and trials in this matter. The parties expect that the Court's guidance on certain issues pertaining to pleas and sentencing trials will expedite the resolution of several defendants' cases.

In addition, the Defendants, with the agreement of the government, request a continuance of the trial in this matter, currently scheduled for March 3, 2014, and further request that the Court address this motion at the status conference. As grounds, the Indictment in this case charges fifteen (15) defendants with a single count of Conspiracy to Distribute Oxycodone, in violation of 21 U.S.C. § 846. None of the fifteen defendants has pled guilty and the status of the defendants' cases varies: several defendants are actively negotiating pleas; several defendants appear ready to proceed to trial; and others are prepared to plea, but will require evidentiary hearings on the issues of drug quantity and sentencing enhancements. The requested extension will enable the parties to sort through their respective positions, with the result being that the number of defendants

who go to trial, and the issues to be tried, will be narrowed. Thus, the requested continuance is not intended to delay. Instead, it is expected that the requested continuance will result in greater efficiency and will avoid unnecessary use of the Court's time and resources.

Furthermore, the U.S. Sentencing Commission has proposed an amendment to the United States Sentencing Guidelines that would lower by two levels the Base Offense Levels in the Drug Quantity table across drug types in U.S.S.G. §2D1.1. A hearing on the proposed amendment is scheduled for March 13, 2014. The availability of a two-level reduction pursuant to the proposed amendment would likely impact some defendants' decisions whether to plead guilty to the Indictment in this case, and it is not clear whether the proposed amendment would be applied retroactively.

Assistant United States Attorney Michael Yoon has assented to this motion.

Respectfully Submitted,
Michael Bourque,
By His Attorney,
On Behalf of all Defendants

/s/ William H. Connolly
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Certificate of Service

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non registered participants on January 30, 2014.

/s/ William H. Connolly